

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICHOLAS LESLIE, A97-519-269,

Petitioner,

-v-

07-CV-6354 (MAT)

ORDER

CHARLES MULE,
Facilities Director,
Buffalo Federal Detention Facility,

Respondents.

Petitioner Nicholas Leslie ("petitioner"), who is currently detained at the Buffalo Federal Detention Center pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 challenging his continued detention by the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). (Dkt. #1). Petitioner is a native and citizen of Jamaica, ordered removed by an Immigration Judge on October 30, 2006 as an aggravated felon, controlled substance offender, and for overstaying his visa. See Immigration and Nationality Act ("INA") §§ 237(a)(2)(A)(iii); 237(a)(2)(B)(I); 237(a)(1)(B).

On September 19, 2007, the respondent submitted an answer and memorandum in opposition of the petition, arguing that the petition was not ripe for review. (Dkt. ## 4, 5). At that time, petitioner was detained in the custody of the United States Marshal Service pursuant to criminal proceedings pending in this Court. Those proceedings stemmed from a criminal complaint filed against

petitioner for providing false information to the Government under INA § 243(a) and 18 U.S.C. § 1001(a).

Petitioner subsequently pleaded guilty to a one-count felony information charging him with making a false statement on November 5, 2007. In December, 2007, petitioner was returned to ICE custody.

On July 7, 2008, petitioner filed a second § 2241 petition challenging his detention in ICE custody while his prior petition was still pending. See Leslie v. Herrion, 08-CV-6301L (Dkt. #1). That petition was dismissed on the merits. Leslie v. Herrion, 677 F.Supp.2d 651 (W.D.N.Y. 2010).

The issues raised in the instant petition were fully addressed and denied on the merits in Court's Decision and Order dated January 6, 2010. See Leslie v. Herrion, 677 F.Supp.2d 651 (W.D.N.Y. 2010). Because all of petitioner's claims have previously been disposed of on the merits by this Court, the petition for habeas corpus is dismissed.

SO ORDERED.

S/Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: May 5, 2010
Rochester, New York